

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA

Honorable Joseph A. Greenaway, Jr.

v.

Crim. No. 09-656-01

GORDON D. MCDONALD

Defendant.

-----X  
**PROTECTIVE ORDER**

This matter having come before the Court on the joint application of the United States (Jeffrey D. Martino, Elizabeth Prewitt, and Helen Christodoulou, Trial Attorneys, U.S. Department of Justice, Antitrust Division, appearing) and defendant Gordon D. McDonald (Justin T. Loughry, appearing) and good cause having been shown, the Court, ORDERED:

1. To expedite the flow of discovery material between the parties and facilitate the prompt resolution of disputes over confidentiality it is necessary to limit the disclosure of discovery materials in this matter (hereinafter "Protected Materials"), pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure.
2. The Defendant and Defendant's counsel of record, upon receiving the Protected Materials, may use the Protected Materials as necessary to prepare for Defendant's trial and for no other purpose. The Defendant and Defendant's counsel of record may not disseminate or disclose the Protected Materials or any information taken from the Protected Materials to any third party unless such dissemination or disclosure is necessary to prepare for the Defendant's trial in this case. The Defendant and Defendant's counsel may not in any instance disclose Protected Materials to members of the media or public. The Defendant or Defendant's counsel may not use or disclosure Protected Materials for any commercial or business purpose.
3. Any third party to whom dissemination or disclosure is made pursuant to this Order may not use the Protected Materials for any purpose other than as necessary to prepare for the Defendant's trial and may not further disseminate or disclose the

Protected Materials for any purpose.

4. If the Defendant or Defendant's counsel of record, in the course of preparing for trial, disseminates or discloses any Protected Materials or any information taken from the Protected Materials to a third party, the Defendant or Defendant's counsel of record shall obtain from every such third party at the time of disclosure or dissemination the following written statement:

I acknowledge that discovery materials (known Protected Material) has been provided to me for the purpose of assisting Defendant McDonald in preparing for trial. I have read the Court's Protective Order, dated December \_\_, 2009, permitting such disclosure to me, and agree as directed in the Protective Order that I will use the discovery material only in preparation for Defendant's trial, will not disclose or disseminate the discovery materials or information taken from the discovery materials to any third party. I acknowledge that a violation of the Protective Order may result in penalties for contempt of court. By signing this statement, I consent to the jurisdiction of the Court for the purposes of enforcing the Protective Order.

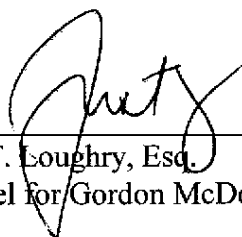
The Defendant's counsel of record shall promptly submit a copy of each signed statement to the Court. However, the Defendant or Defendant's counsel need not obtain such statement from any member of the defense team (co-counsel, paralegals, investigators, litigation support personnel, and secretarial staff involved in the representation of the Defendant's in this case).

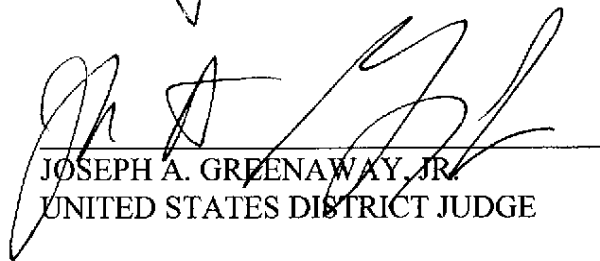
5. The Defendant and Defendant's counsel shall store all Protected Materials in a secure place and shall use reasonable care to ensure that the Protected Materials are not disclosed or disseminated to any third parties in violation of this Protective Order.
6. Upon completion of the case, the Defendant and Defendant's counsel of record and any third party who received any Protected Materials pursuant to this Protective Order shall return all such materials in their possession, as well as copies made thereof, to the Government.

7. Nothing in this Protective Order shall preclude any interested party from filing a motion seeking a modification of the Protective Order.

**SO ORDERED.**

**SIGNED** on this day of December 3, 2009.

 12-3-09  
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Justin T. Loughry, Esq.  
(Counsel for Gordon McDonald)

  
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JOSEPH A. GREENAWAY, JR.  
UNITED STATES DISTRICT JUDGE  
12-16-09